

## REMARKS

Claims 11-15 and 21-46 have been cancelled. Claims 1-3, 6-10, and 16-18 have been amended to clarify the subject matter regarded as the invention. Claims 1-10 and 16-20 are pending.

### *Claim Rejections – 35 U.S.C. §103*

The Examiner has rejected Claims 1-10 and 16-20 under 35 U.S.C. §103(a) as being unpatentable over Johnson (WO 98/38844) in view of Carlton-Foss (US Patent No. 6,647,373). The rejections are respectfully traversed.

Johnson describes an auction system for the provision of energy supply (e.g., electric power and natural gas). In Johnson, each “Provider” transmits to a “Moderator” the “rate it is willing to charge ... for electric power or natural gas to be provided to an end user or group of end users, over some particular period of time.” (Johnson, 8:15-17.) The Moderator “processes these bids according to specified rules of the auction to which all bidders agree, in order to produce an ‘apples-to-apples’ comparison of the rates.” (Johnson, 13:3-5.) The Moderator then “transmits back to the bidders some or all of the bids received from the other bidding Providers.” (Johnson, 13:8-10.)

Regarding the “rules,” Johnson states that “the Moderator may require bidders to formulate bids based on, for example, (i) a particular period of time during which they will supply energy ... (ii) a specific end user or a group or class of end users ... (iii) a stated class of service ... (iv) whether they will supply 100% of an end user’s energy needs ... (v) a specific delivery destination .... (vi) the estimated amount of energy required on a recurring basis by each applicable end user or set of end users, (vii) the frequency with which the bidder will receive periodic feedback reports ... and (viii) whether the end user will be billed separately for each Provider’s energy or on a consolidated basis....” (Johnson, 16:9-27.)

Johnson does not disclose that any **transforming** of any parameters occurs in producing its “apples-to-apples” comparison. Instead, it appears that Johnson discloses a system in which all bidders receive a set of rules and applicable bidders are obliged to conform each of their respective bids to those rules, prior to submission. Indeed, per Johnson, bids received from other

bidders are transmitted "back" to a subset of the bidders and no mention is made of any transformation being made, or needing to be made prior to that transmission, indicating that each of the bidder's bids is in the same, non-transformed form. Further, Applicants performed a text search of Johnson and were unable to find the term, "transform," anywhere therein. Applicants respectfully request that the Examiner provide page and line numbers from Johnson that disclose the **transforming** of a buyer comparative bid parameter value into a bidder comparative bid parameter value as recited in independent Claims 1, 6, and 16. As Carlton-Foss also does not disclose the transforming of parameters as recited in the aforementioned independent claims, Claims 1, 6, and 16 are believed to be allowable.

Claims 2-5 depend from Claim 1 and are believed to be allowable for the same reasons described above.

Claims 7-10 depend from Claim 6 and are believed to be allowable for the same reasons described above.

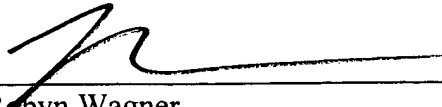
Claims 17-20 depend from Claim 16 and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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